

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 89-80307

Plaintiff,

Honorable John Corbett O'Meara

v.

ZOTIS HARRIS,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR EXPUNGEMENT

This matter came before the court on defendant Zotis Harris' January 11, 2016 motion for expungement. The government filed a response November 28, 2016. No reply was filed, and no oral argument was heard.

On August 4, 1989, defendant Harris pleaded guilty to one count of Conspiracy to Possess with Intent to Distribute Cocaine in violation of 21 U.S.C. § 846, before Judge Horace M. Gilmore. Harris was sentenced to a 70-month term of incarceration, followed by three years of supervised release. Although Harris has not had any felony convictions since his release from prison, he was convicted on at least four occasions of driving a motor vehicle with a suspended license between 2004 and 2007.

The court has deemed Harris' January 11, 2017 filing as a "motion" for expungement even though it appears to be a rather bare-bones request. It reads simply:

I Zotis Harris is [sic] seeking expungement [sic] of said CASE No. 89-80307-2. I feel I've [sic] been a productive person since this happened 26+ yrs ago. Im [sic] trying to better my life and feel if this was off my record it'll be a good start to that. Thank you for your time and consideration.

LAW AND ANALYSIS

The United States Court of Appeals for the Sixth Circuit has held that a district court may not expunge the record of a defendant's arrest or conviction. United States v. Lucido, 612 F.3d 871 (6th Cir. 2010); United States v. Field, 756 F.3d 911, 915 (6th Cir. 2014). Although some statutes permit expungement motions in certain cases, such as convictions for possession of controlled substances for offenders under the age of 21, none of the statutes applies to this case. Therefore, this court lacks jurisdiction over Harris' motion for expungement.

ORDER

It is hereby **ORDERED** that defendant Zotis Harris' January 11, 2016 motion for expungement is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: December 7, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 7, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager